

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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KEVIN SCOTT,

Plaintiff,

v

TROTT LAW, P.C.,

Defendant.

Case No. 2:16-cv-13734  
Hon. Denise Page Hood  
Mag. David R. Grand

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**DEFENDANT’S RESPONSE TO PLAINTIFF’S MOTION TO COMPEL  
DEFENDANT TO PRODUCE RESPONSES TO PLAINTIFF’S FIRST SET  
OF INTERROGATORIES, REQUEST FOR PRODUCTION OF  
DOCUMENTS AND DEEM REQUEST FOR ADMISSIONS ADMITTED**

NOW COMES Defendant, Trott Law, P.C. (“Trott”), by and through its attorneys, TROTT LAW, P.C., by Robert J. Kinggo III, and for its Response to Plaintiff’s Motion to Compel Defendant to Produce Responses to Plaintiff’s First Set of Interrogatories, Request for Production of Documents and Deem Request for Admissions Admitted states:

1. Plaintiff’s motion is strange, at best, and lacks any legal or factual support, whatsoever.
2. On November 18, 2019, following a conference with the parties, this Court issued a scheduling order (the “Scheduling Order”) (**Docket No. 76**).

3. The Scheduling Order provides that discovery must be completed by March 23, 2020 (**Docket No. 76**).

4. On April 22, 2020 Plaintiff's attorney emailed Defendant's attorney (this author) Plaintiff's First Set of Interrogatories, Request for Production of Documents and Request for Admissions (the "Discovery Requests").

5. Within minutes of this email this author responded and reminded Plaintiff's attorney that discovery had closed thirty (30) days prior on March 23, 2020.

6. This author never heard from Plaintiff's attorney again regarding the Discovery Requests until this current motion was filed on July 8, 2020.<sup>1</sup>

7. Defendant has requested Plaintiff's attorney to withdraw this motion but Plaintiff's attorney has refused to do so.

8. This motion is wholly lacking in legal and factual support because the Discovery Requests were sent thirty (30) days after discovery was to be completed.

9. Additionally, this motion is untimely because it was filed after the close of discovery (3/23/20) *and* after the deadline for the filing of motions (5/27/20) (**Docket No. 77**).

10. Plaintiff's motion is substantially *unjustified*.

11. Plaintiff's motion should be denied and Defendant should be awarded its attorney fees incurred in having to respond. Fed R Civ P 37(a)(5)(B).

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<sup>1</sup> Plaintiff's attorney sent this author an email at 2:21 pm on July 8, 2020 seeking concurrence to this motion and this motion was filed at 2:39 pm on July 8, 2020.

WHEREFORE, Defendant, Trott, respectfully requests this Honorable Court to order and adjudge the following:

A. That Plaintiff's Motion to Compel Defendant to Produce Responses to Plaintiff's First Set of Interrogatories, Request for Production of Documents and Deem Request for Admissions Admitted is denied; and

B. That pursuant to Fed R Civ P 37(a)(5)(B) Defendant is awarded its attorney fees incurred in having to respond.

7/22/2020

Respectfully Submitted,  
TROTT LAW, P.C.

/s/ Robert J. Kinggo III  
Robert J. Kinggo III (P68442)  
TROTT LAW, P.C.  
Attorneys for Defendant

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 22, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Jan J. Rubinstein (P57937)  
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/s/ Robert J. Kinggo III  
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